

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

AMERICAN HOME ASSURANCE)	
COMPANY and CARGILL MEAT)	
SOLUTIONS CORPORATION,)	
)	
Plaintiffs,)	8:11CV270
)	
v.)	
)	
GREATER OMAHA PACKING COMPANY,)	MEMORANDUM AND ORDER
INC.,)	
)	
Defendant.)	
_____)	

This matter is before the Court on the plaintiff Cargill's motion in limine to exclude and limit proposed expert testimony of Angelo Fili (Filing No. [265](#)). Cargill has filed an accompanying brief (Filing No. [266](#)) and index of evidence (Filing No. [267](#)). The defendant has filed a brief (Filing No. [348](#)) and index of evidence (Filing No. [349](#)) in opposition of the motion. The plaintiff has filed a reply brief (Filing No. [359](#)) and index of evidence (Filing No. [360](#)). After review of the motion, briefs, and indices of evidence, the Court will deny the motion without prejudice.

Plaintiff Cargill simply wishes to limit Angelo Fili's testimony to firsthand observation and personal knowledge because Mr. Fili is a "non-retained expert." According to Cargill, if Mr. Fili is allowed to testify beyond that confine, the defendant

will circumvent the requirements of Federal Rule of Evidence 602. If the issue arises at trial, the Court will rule on plaintiff Cargill's objections at that time.

IT IS ORDERED that the plaintiff Cargill's motion is denied without prejudice.

DATED this 2nd day of April, 2014.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court